

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**CPUMATE INC. and GOLDEN SUN NEWS
TECHNIQUES CO., LTD.**

Plaintiffs,

v.

**COOLER MASTER CO., LTD. and
COOLER MASTER USA INC.**

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs CpuMate Inc. and Golden Sun News Techniques Co., Ltd. (“Plaintiffs”) for its Complaint against Cooler Master Co., Ltd. and Cooler Master USA Inc. (collectively “Cooler Master” or “Defendants”), demands a trial by jury and alleges as follows:

PARTIES

1. Plaintiffs CpuMate Inc. is a Taiwanese company with a principal address of No. 13, Wu-Chiuan 5th Rd., Wu-Ku Industrial District, Taipei Hsien, 248, Taiwan, R.O.C. and Golden Sun News Techniques Co., Ltd. is a Taiwanese company with a principal address of No. 60 Wucyuan Rd., Wugu District, New Taipei City 248, Taiwan R.O.C.

2. On information and belief, Defendant Cooler Master Co., Ltd. is a Taiwan corporation with its principal place of business at 9F, No. 786, Zhongzheng Rd., Zhonghe Dist., New Taipei City 23586, Taiwan (R.O.C.). On information and belief Cooler Master Co., Ltd., is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. On information and belief, Cooler Master Co. Ltd. resides in this jurisdiction within the meaning of

28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Cooler Master Co. Ltd. may be served with process in Taiwan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969). Giga-Byte Technology Co. Ltd. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant Cooler Master USA Inc. is incorporated under the laws of Texas with its principal place of business at 4820 Schaefer Avenue, China, CA 91710. This defendant is registered to do business in the State of Texas and has appointed Steve E. Althaus, 7606 Fawnhollow Cove, Austin, TX 78750 as its agent for service of process. On information and belief, Cooler Master USA Inc. regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Cooler Master has transacted business in this district, and has committed acts of patent infringement in this district, by making, using, selling, and /or offering for sale at least the Cooler Master TCP 812.

6. On information and belief, Cooler Master is subject to this Court's general and specific personal jurisdiction because: Cooler Master has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, Cooler Master has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Cooler Master regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from Cooler Master's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,891,414

7. Plaintiffs are the owners of all rights, title and interest to United States Patent No. 7,891,414 ("the '414 Patent") entitled "Method for Manufacturing Heat Dissipator Having Pipes and Product of the Same." The '414 Patent was issued on February 22, 2011 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '414 Patent was filed on September 28, 2007. Attached as Exhibit "A" is a copy of the '414 Patent.

8. The '414 Patent is generally directed to a heat dissipating devices.

9. On information and belief, Cooler Master has been and now is infringing the '414 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell devices including a heat dissipator having heat pipes according to the '414 Patent. On information and belief, examples of Cooler Master products that infringe the '414 Patent include, its Cooler Master TCP812. Cooler Master is thus liable for infringement of the '414 Patent pursuant to 35 U.S.C. § 271.

10. As a result of Cooler Master's infringement of the '414 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Cooler Master's infringing activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining Cooler Master and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '414 Patent, Plaintiffs will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that this Court enter:

- A. A judgment in favor of Plaintiffs that Cooler Master has infringed the '414 Patent.
- B. A permanent injunction enjoining Cooler Master and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '414 Patent;
- C. A judgment and order requiring Cooler Master to pay Plaintiffs its damages, costs, expenses, and prejudgment and post-judgment interest for Cooler Master infringement of the '414 Patent as provided under 35 U.S.C. § 284;
- D. An award to Plaintiffs for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;
- E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs its reasonable attorneys' fees; and
- F. Any and all other relief to which Plaintiffs may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiffs, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: April 26, 2013

Respectfully submitted,

CPUMATE, INC. and GOLDEN SUN
NEWS TECHNIQUES CO., LTD.

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CERTIFICATE OF FILING

I hereby certify that on April 26, 2013 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

/s/ Winston O. Huff
Winston O. Huff, Attorney in Charge